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SUMMARY RECORD OF THE 19th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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The meeting was called to order at 10.20 a.m.

1. The CHAIRMAN welcomed Sir Robert Jennings, President of the International Court of Justice, Mr. Ago and Mr. Schwebel, Judges, and Mr. Valencia-Ospina, Registrar of the Court.

2. Sir Robert JENNINGS (President of the International Court of Justice) thanked the Chairman for his words of welcome and noted the symbolic significance of his annual attendance of the meetings of the Sixth Committee. The work of both the International Court of Justice and the Sixth Committee concerned international law, and he looked forward to further close cooperation in that connection.

AGENDA ITEM 125: OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES (A/C.6/47/L.5)

3. Ms. VALDES (Cuba) introduced draft resolution A/C.6/47/L.5 on behalf of the original sponsors as well as of Egypt, the Libyan Arab Jamahiriya and Senegal. Like the many similar resolutions adopted by the Committee every two years in the past, it emphasized the need to provide national liberation movements recognized by the Organization of African Unity or the League of Arab States with the facilities, privileges and immunities due to them in their capacity as observers. Reiterating her support for the draft resolution, she trusted that all peace-loving States would endorse it.

4. Ms. BOUM (Cameroon) said that her country wished to become a sponsor of the draft resolution.

5. Mr. WOOD (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the twelve States members of the European Community, said that the Twelve would not vote in favour of the draft resolution. All would either vote against it or abstain, for purely legal reasons.

6. None of the Twelve had signed, ratified or acceded to the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character. The Convention had not secured general agreement at the Conference in 1975 and, 17 years after its adoption, only 25 States had ratified or acceded to it. The Convention had thus not yet entered into force.

7. In addition, the principal States which hosted international organizations of a universal character had maintained that they could not agree with a number of the Convention's provisions. In the circumstances, the European Community and its member States did not think it appropriate that a General Assembly resolution should seek to enhance the status of the Convention. Finally, the yearly decline in the number of speakers on the item under consideration indicated a clear lack of interest in the matter. In the opinion of his delegation, the item should not remain on the agenda of the General Assembly.

8. Mr. GONDRA (Argentina) said that his country supported the participation of national liberation movements as observers in organizations and at international conferences. Nevertheless, it was obvious that interest in the item had diminished and that the number of speakers on the issue had gradually decreased, to the extent that there had been not a single speaker during the current session. His delegation would therefore abstain from voting on the draft resolution.

9. Ms. WILLSON (United States of America) said that the decision by many States not to endorse the Convention when it was adopted demonstrated the pointlessness of continuing to dwell on the draft resolution. The only result was to undermine the authority of resolutions and conventions which had achieved broad acceptance.

10. Her delegation did not agree with paragraph 1 of the draft resolution because it did not accept the contents of the Convention mentioned therein, which neither reflected established law nor even was valid as lege ferenda. There was no legal basis for paragraph 2, and the request contained in paragraph 3 entailed expenditure and a waste of time and energy, encouraging continued emphasis on a draft resolution in which no one showed any interest. Her delegation would therefore vote against the draft resolution.

11. Ms. GOLAN (Israel) said that her delegation opposed the draft resolution, as it had the previous year, for both factual and legal reasons.

12. Under article 89 of the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, the Convention would enter into force following the deposit of the thirty-fifth instrument of ratification or accession. However, only 25 such instruments had so far been received and there had been no additional signatures since the introduction of the last draft resolution. To call for States to apply a Convention which had not yet entered into force therefore appeared to her delegation to be somewhat premature and of questionable practical value.

13. In the view of her country, the Sixth Committee should not recommend that the General Assembly adopt a resolution whereby States that were not parties to a convention, which in its turn was not in force, were requested to apply its provisions, nor ask the Secretary-General to follow up on the implementation of what was an unimplementable resolution. It was particularly concerned by the seventh preambular paragraph of the draft resolution, which was somewhat ironic and lacked any foundation in law, fact or theory. Her delegation would therefore vote against the draft resolution.

14. A recorded vote was taken on draft resolution A/C.6/47/L.5.

In favour: Algeria, Antigua and Barbuda, Armenia, Bahrain, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Peru, Rwanda, Saudi Arabia, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Zimbabwe.

Against: Belgium, France, Germany, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Belarus, Bulgaria, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, Greece, Hungary, Japan, Liechtenstein, Malta, Marshall Islands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Spain, Sweden, Turkey, Ukraine.

15. Draft resolution A/C.6/47/L.5 was adopted by 61 votes to 9, with 28 abstentions.

16. Mr. CHOI (Republic of Korea) said that his country had abstained in the vote for purely juridical reasons. Only 25 Member States had ratified the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character adopted in 1975. Moreover, that instrument raised some legal questions that prevented its ratification by a number of States. Nevertheless, his abstention did not constitute a precedent of any kind concerning Korea's position with regard to national liberation movements.

17. Mr. YOUSIF (Sudan), Mr. OULD MOHAMED LEMINE (Mauritania), Mr. MANGUSHO (Uganda), Mr. ALKHAZMI (Libyan Arab Jamahiriya), Mr. AL-DALAY (Yemen) and Mr. ZIAUDDIN (Bangladesh) said that, had they been present during the vote on draft resolution A/C.6/47/L.5, they would have voted in favour.

18. Mr. BIGGAR (Ireland) noted that had it been present his delegation would have abstained.

AGENDA ITEM 136: PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT (A/C.6/47/L.2/Rev.1)

19. The CHAIRMAN announced that Armenia, Austria, Belgium, Bulgaria, Chile and the Philippines had joined the sponsors of draft resolution A/C.6/47/L.2/Rev.1.

20. Mr. ORDZHONIKIDZE (Russian Federation) said that, as the Secretariat had been informed, his delegation wished to join the sponsors of the draft resolution.

21. Mr. KHEIR (Jordan) introduced the draft resolution (A/C.6/47/L.2/Rev.1) and said that it represented a serious effort to address to the greatest extent possible the concerns expressed by various delegations and groups. Its text was delicate and carefully balanced and had been reached after continuous and extensive debate and a great deal of compromise. For that reason, he hoped that it would be adopted by consensus.

22. Mr. STRAUSS (Canada) said that his delegation considered the subject of the protection of the environment in times of armed conflict very important and therefore felt that it should be included in the agenda of the General Assembly at its next session as a separate item.

23. Mr. GONDRA (Argentina) said that in his delegation's view the word "destruction" in the fifth preambular paragraph covered total or partial destruction and included damage to the environment.

24. Mr. DELON (France) said that the clear distinction made in the second preambular paragraph between the provisions of international law applicable to the protection of the environment in times of armed conflict and, in particular, both the rules of universal applicability laid down in The Hague Convention of 1907 and the Geneva Convention of 1949, on the one hand, and the applicable rules of the Protocol Additional to the Geneva Conventions of 1949 and the Convention of 1977 tended to reinforce the notion that the above-mentioned Protocol only bound the States parties which had adhered to it. On that understanding, France joined the consensus expressed in draft resolution A/C.6/47/L.2/Rev.1.

25. Mr. CHATURVEDI (India) said that the question of the protection of the environment in times of armed conflict was very important and that his Government would be glad to see the largest possible number of countries ratify the relevant instruments. Although his delegation would have preferred that the General Assembly examine the question later in order to give the International Committee of the Red Cross and other bodies an opportunity to study it more carefully, it would be able to support the text of the draft resolution, which represented a well-balanced compromise solution.

26. Mrs. KOUPCHINA (Belarus) proposed that, in view of the item's importance, it should be included in the agenda of the General Assembly's next session as a separate item. She welcomed the idea that the International Committee of the Red Cross should submit to the General Assembly a report on its activities which would include interpretations of international law on the question because, as other delegations had pointed out, the absence of such interpretations might give rise to misunderstandings.

27. Mr. BABA (Malaysia) said that in view of the subject's importance he agreed that in the future the item should be considered separately.

28. The CHAIRMAN said that if there were no objections he would take it that the Committee wished to approve draft resolution A/C.6/47/L.2/Rev.1 without a vote.

29. Draft resolution A/C.6/47/L.2/Rev.1 was approved.

AGENDA ITEM 127: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES (A/47/325 and Add.1 and 2; A/C.6/47/L.6)

30. Mr. KOURULA (Finland) introduced draft resolution A/C.6/47/L.6 and announced that Japan had joined the list of sponsors.

31. As the report of the Secretary-General (A/47/325 and Add.1 and 2) made clear, violations of the safety and security of diplomatic and consular missions and representatives continued to be a problem for the international community and such violations were prejudicial to international relations. The statements made in the Committee showed that Member States were determined to condemn and punish such practices.

32. The draft resolution before the Committee was based on the resolutions on the subject adopted by the General Assembly over the years. Events had led to changes in the usual drafting of the resolution and on the present occasion it was proposed that it should be approved in its traditional form so that it reflected the continuing concern of Member States regarding the violations being committed.

33. In view of the importance of the question for all Governments, the sponsors of the draft resolution hoped that the Committee would approve it without a vote.

34. Mr. NEGA (Ethiopia) said that, as the host to more than 80 diplomatic and consular missions, as well as a State adhering to the main legal instruments for the protection and security of such missions and their representatives, Ethiopia fully supported the objectives of the draft resolution. His country had always maintained that any violation of the security of missions or persons belonging to them was a violation of international law and should not be tolerated.

(Mr. Nega, Ethiopia)

35. After referring briefly to the events that had taken place in the Embassy of Israel in Addis Ababa on 17 September 1991, which were mentioned in the Secretary-General report (A/47/325 and Add.1 and 2) and in the statement made by the representative of Israel in the Committee, he said it must be remembered that the incident had taken place as 17 years of dictatorial government and 7 years of civil war were coming to an end in his country. It was unfortunate that such an event had taken place, in spite of the measures taken by the transitional government to ensure the protection and security of the diplomatic and consular missions and their representatives. Although there had been no casualties or damage, his Government was anxious to strengthen its security measures and continued to act in close consultation with the authorities of the Israeli Embassy, which had expressed satisfaction with the way the situation had been handled. He renewed his country's commitment to the protection and security of diplomatic and consular missions and their representatives.

36. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to approve draft resolution A/C.6/47/L.6 without a vote.

37. Draft resolution A/C.6/47/L.6 was approved.

The meeting rose at 11.10 a.m.